

SAGUACHE COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MEETING
TUESDAY, JUNE 21, 2016

MINUTES

CALL TO ORDER:

The Meeting was called to order by Board Chair, Jason Anderson, at 9:05 A.M., with the following members present:

Jason Anderson, Commissioner, Board Chair
Ken Anderson, Commissioner
Tim Lovato, Commissioner
Lyn Lambert, County Co-Administrator
Wendi Maez, County Co-Administrator, Land Use Administrator
Ben Gibbons, County Attorney
Carla Gomez, Clerk to the Board

Pledge of Allegiance:

Commissioner Jason Anderson invited those in attendance to join in reciting the Pledge of Allegiance.

Additions/Deletions to the Agenda:

Remove Woody Bobb.

MOTION BY COMMISSIONER LOVATO TO “APPROVE” THE AGENDA AS AMENDED.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Reading and Approval of Minutes:

MOTION BY COMMISSIONER KEN ANDERSON TO “APPROVE” THE MINUTES OF THE MAY 12, 2016, PUBLIC HEARING ON PROPOSED MARIJUANA REGULATIONS.

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER LOVATO TO “APPROVE” THE MINUTES OF THE MAY 17, 2016, REGULAR SESSION MEETING.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER KEN ANDERSON TO “APPROVE” THE MINUTES OF
THE JUNE 7, 2016, REGULAR SESSION MEETING.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Review of Mail and Other Correspondence: Mail 06/21/2016

1. **The San Luis Valley Fair** sent a thank you note for the Sales Tax Grant. (6/10/16)
2. **Joseph R. Poindexter** sent a copy of a letter he sent to Xcel Energy regarding work to be done on lines that cross his property.
3. **Rio Grande Water Conservation District** sent the 2016 Ground Water Table Measurements.
4. **CTSI** sent the Annual Report to Members 2015.
5. **Allen D. (Dave) Miller, Natural Energy Resources Company**, sent documents briefly explaining how Natural Energy Resources Company’s U.S. Patented high altitude, multiple river, pumped-storage proposal, called Central Colorado Project (CCP), could soon solve most of our state and Southwester Region’s escalating renewable water and energy shortages and costs throughout the 21st Century, and beyond. (6/14/16)
6. **The Rio Grande Water Conservation District** sent a reminder of their next Board of Directors meeting to be held July 19, 2016.
7. **Blue Peaks** sent an invitation to the Board to an Open House & Public Forum on Wednesday, June 22, 2016.
8. **SLV Extension** sent the May Extension Report.
9. **The Sterling Property Tax Specialists, Inc.**, sent a request for information Pursuant to C.R.S. 39-8-107(5) for Schedule Number 485733012017. (Petition to State Board of Assessment Appeals property owner: Bank Midwest, N.A. 213 Worth Street, Center. (6/7/16)

This CORA request has been taken care of, per County Attorney Gibbons.

Introduction of Guests:

Crowfox Fleming, Public Health – PCP
Lacy N. Reed, Town of Saguache
Tyler Harford, Saguache Sheriff’s Office
Rebie Hazard, PC
Derek Smith, Elevated Acres
Sharon Duiley, Elevated Acres
Carla & Butch Bails, Sargents

Richard Drake, Republican Party
Steven Carlson, Committee for Taxation
Lynne Thompson
Kevin Noland
Bill McClure, Self, taxpayer

Public Comment: None.

EMPLOYEE SERVICE PIN PRESENTATION:

The following employees were acknowledged by the Board for their respective years of service:

Tyler Harford	- 5 Years
Tammy Taylor	- 10 Years
Ellen Cox	- 10 Years
Judith Collins	- 15 Years

COMMISSIONER REPORTS:

Jason Anderson 5/18-6/20:

5/20 Met with Senator Cory Gardner, topics included PILT and EPA management.

5/23 Attended Commissioner office hours in Crestone

5/25 Attended the Saguache County Commissioners work session.

5/25 Met with Forest Service representatives and public officials to discuss Forest Service Strategic Planning process and to establish a group to give feedback and make recommendations in the Forest Service Planning process.

6/1 Met with John Loll, Saguache county resident concerning support for a ballot amendment for local control over Corporations.

6/6-7-8 Attended the CCI Summer conference. Topics are as follows:

SMALL LANDFILL REGULATIONS AND PLANNING

Joe Schieffelin , Solid Waste and Materials Management Program Manager
Hazardous Materials and Waste Management Division Colorado Department of
Public Health and Environment 303-692-3356 joe.schieffelin@state.co.us

-Non-Compliant Status Quo is ending

-Make the Local Decision: Operate landfill in compliance or close

- If decision to operate: fund needed upgrades

-If decision is to close: Convert site to transfer station? Develop cooperative regional landfill?

STRATEGIC ACTION PLANNING GROUP ON AGING

- Life expectancy in Colorado is 80.4 years and increasing.
- 13.2 percent are 65+
- 16 percent are minorities
- 46.8 percent increase between 2003 and 2013
- 3rd highest rate of growth in the nation

MARIJUANA UPDATE

CHILDCARE CAPACITY WITHIN THE STATE

SOUTHERN DISTRICT MEETING

Election of officers-

President – Jason Anderson, Saguache County

Vice President- Pat Dawson, Baca County

Presentation by Luis Bienetez on the economics of recreation

CCI BUSINESS MEETING

Two issues:

Support for Ballot measure 69 (Colorado Health care) was defeated.
Support an amendment stating CCI support of public lands staying in federal control, was defeated.

- 6/13 Spoke with Marty Asplin Rio Grande Economic Development Coordinator about a wood use workshop for the Rio Grande Basin on August 4th
- 6/13 Spoke to Brenda Femlee with Congressman Scott Tipton's office, concerning an Opioid roundtable discussion in Alamosa on June 29th
- 6/14 Attended Commissioners Work session on SRS title 3 funds and Hemp.
- 6/15 Attended Commissioner retreat
- 6/20 Attended Commissioners office hours in Center.
- 6/20 Attended Land-Use violations hearing.

Tim Lovato, District III:

- June 10th – Met with Ileene Rivalie Saguache County Prevention Coordinator on information for training for county commissioners and Saguache County personal.
- June 11th – Visited several areas where some minor flooding was taking place on CR 47.5 and County Road X.
- June 14th – Attended the work session in Moffat on Hemp and its use. Presentation from Karen Kershner and Dewayne Sinning Colorado Department of Agriculture were given. Title III funding was also discussed.
- June 15th – Attended the Commissioner's Retreat in Alamosa.
- June 20th – Attended the Land Use Violations Hearing at Road and Bridge meeting room.

Ken Anderson:

- 6/13 – Crestone and Moffat School
- 6/14 – Attended Commissioners Work session on SRS Title 3 funds and Hemp.
- 6/15 – Commissioners Retreat in Alamosa
- 6/20 – Attended Land-use violations hearing

Commissioner Lovato noted that Commissioner Jason Anderson was elected President of the Southern District of CCI. Congratulation to Commissioner Anderson.

BOARD OF SOCIAL SERVICES MONTHLY REPORT – LINDA WARSH, DIRECTOR:

REPORT ATTACHED.

DEPARTMENT HEAD REPORTS:

BEN GIBBONS, COUNTY ATTORNEY:

1. Board of BAA Hearing set for August 31, 2016, at 8:30 a.m. Appeals filed include:
Crestone/Baca Grande
Flickinger/McClure

Blood of Christ Church
Crestone Recreation
Tracy Benton.

Mr. Gibbons usually attends this hearing by phone, but may go to the hearing this year.

2. Gates on the Hollenbeck property – gate is on private property.
3. Town of Iris, Public Notice has been made.
4. Presented Excise Tax language for discussion.

DAN WARWICK, SHERIFF: REPORT ATTACHED.

JAIL TOUR:

RANDAL ARREDONDO, ROAD & BRIDGE SUPERVISOR:

Bureau of Land Management Right of Way Grant has expired – asked Board if they would like to renew the Right of Way Grant – answer: No, the Right of Way is not needed.
Snap-On tool upgrade – will be \$2,289.94
Presented an estimate for vehicle purchase from Pueblo Dodge
Fees on marijuana outside growth, access fees discussion
Landfill proposed changes, are being advertised for 30 days in the Saguache Crescent.

SAGUACHE COUNTY TOURISM COUNCIL:

Members of the Tourism Council were present to discuss their Information Center project in the Town of Crestone and request funds for the construction of the information kiosk sign as part of their project. Working with the Creative District, they have made the effort as a council to use funds on multiple projects with the goal of moving energy through Crestone to the entire county, getting information to travelers, visitors and artists, and to tie all areas together.

MOTION BY COMMISSIONER KEN ANDERSON TO GRANT \$25,000 IN TOURISM FUNDS TO BE USED TO FUND THE CONSTRUCTION OF THE INFORMATION KIOSK IN CRESTONE.

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

WENDI MAEZ, LAND USE ADMINISTRATOR:

Land Use report for Tuesday, June 21, 2016:

1. Buckley and Carla Bailey – Tract of land containing 1.22 acres in 21-48-5 AKA Tract 9-1 Sargents, Variance request to place a 1900's structure on their property to use for a garage and work shop. The structure is located on the piece of property where the old water tower is located in the Town of Sargents.

One letter concerning the placement of the structure away from the neighbors to the north fence.

Question by Ms. Hazard: Did this request go before the PC?

Response: No. Land Use Administrator has the ability to make the decision if request needs to go before the Planning Commission.

MOTION BY COMMISSIONER LOVATO TO “APPROVE” THE VARIANCE REQUEST.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

2. David Wendl – E1/2E1/2NW1/4SE1/4NE1/4SE1/4NE1/4 20-48-8 – AKA Tract 1A (County Road LL56), Conditional Use request for the Bonanza Inn. This request is to restore previous use a motel, bed and breakfast and RV park that existed in the past.
Property address 49130 Co. Rd. LL56 Villa Grove.
Acres to be used is 12.5 acres.
Present use of property is residential.
Electric is XCEL Energy
Phone is Centurylink
Water well – Commercial Well #181904
One letter of objection has been received with a response sent to the landowner and one letter of support has also been received.

The SPCPC recommended unanimous approval of this request as presented to take the property from residential back to commercial during their regular meeting held on May 26, 2016.

Reasons for recommending approval – Existing amenities, no concerns received from the Colorado Division of Wildlife, water well permit will allow for this use, market needed for this request, will provide employment for Saguache County.

Question by Commissioner Lovato: What type of water well?

Response: Commercial

MOTION BY COMMISSIONER KEN ANDERSON TO “APPROVE” THE CONDITIONAL USE REQUEST FOR THE BONANZA INN, SUBMITTED BY MR. WENDL, TO “COMMERCIAL USE” AS RECOMMENDED BY THE SAGUACHE COUNTY PLANNING COMMISSION.

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

3. Evan Dusthimer and John Huffman, Conditional Use request for SE1/4SW1/4 30-44-10 for construction of a structure to provide rental services for other business designed around each individual business (clients).

No residences or structures are existing on the property at this time.
See application notes for all amenities.

One letter of objection has been received from an adjoining landowner with concerns to traffic, frost heaves, alkali soil creating dust and the ground water table with response sent to landowner.

SCPC recommended unanimous approval of this request as presented, during their regular meeting on May 26, 2016, as presented also with the following recommendations:

- a. Should dust become a problem dust abatement will need to be addressed on their own property to the commercial building.
- b. Any other commercial business that will require an additional license will need to apply for an additional Conditional Use permit for their use of the structure.

Reasons for recommending approval – Existing amenities, no concerns received from the Colorado Division of Wildlife, market needed for this request, will provide employment for Saguache County.

**MOTION BY COMMISSIONER KEN ANDERSON TO “APPROVE” THE
CONDITIONAL USE REQUEST AS PRESENTED BY EVAN
DUSTHIMER AND JOHN HUFFMAN, WITH THE SAGUACHE
COUNTY PLANNING COMMISSION RECOMMENDATIONS, FOR SE
¼ SW ¼ 30-44-10.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

4. Lamm Ranch, LLC – Conditional Use request for SE1/4 1-43-10 for retail marijuana cultivation facility and marijuana infused products facility.

Property Address – 17501 Co. Rd. 65

Total acreage to be used is 15 acres

Present use of property is cattle pasture

Intended use of the property is retail marijuana cultivation and marijuana infused products facility. Remainder of property will remain in cattle pasture.

Utilities will be provided by SLVREC and Fairpoint.

Irrigation well #014282-F and 24668-F irrigation well.

Sewage disposal will be installed if approved.

SCPC recommended approval of this request during their regular meeting held on May 26, 2016 as presented with the following recommendations:

- a. Motion to approve Phase 1 (1800 plants) up to Phase 2 (3600 plants) – additional phase will require Modifications to the approved Conditional Use permit.
- b. Applicant agrees to pay County Road Access fee and will not request to waive the commercial rate fee.
- c. No grow lighting will be visible from the outside.

Multiple water wells located on the property that allow for this use from April 1st to October 31st each year. November 1st thru March 30th they will haul water to the site.

Little to no fertilizer is used with little waste of water.

Will employ 12 full time employees and 10-part time employees.

This project will use about 15 acres of the ranch property and the remainder of the property will be used as a cattle ranch.

No outdoor cultivation.

Green houses will be used year around.

Reasons for recommending approval - no concerns received from the Colorado Division of Wildlife, no concerns received from adjoining landowners, water well permit will allow for this use (April 1st to October 31st), will provide employment for Saguache County.

MOTION BY COMMISSIONER LOVATO TO “APPROVE” THE CONDITIONAL USE REQUEST AS PRESENTED, WITH RECOMMENDATION BY THE SAGUACHE COUNTY PLANNING COMMISSION, FOR LAMM RANCH LLC, USING 15 ACRES WITHIN THE SE ¼ 1-43-10, FOR A RETAIL MARIJUANA CULTIVATION FACILITY AND MARIJUANA INFUSED PRODUCTS FACILITY.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

- 6. Stuart Ward Olin and Deborah Lynne Bouvier – Lot Consolidation request for Lots 936C and 938C, Baca Grande, Chalet Unit 1. Now described as Lot 936RR.

Crestone/Baca Planning Commission recommended approval of this request during their regular meeting on April 13, 2016.

MOTION BY COMMISSIONER LOVATO TO “APPROVE” THE LOT CONSOLIDATION REQUEST FOR LOTS 936C AND 938C, BACA GRANDE, CHALET UNIT 1, AS PRESENTED BY STUART WARD OLIN AND DEBORAH LYNNE BOUVIER.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

WENDI MAEZ, AIRPORT MANAGER REPORT:

1. Water Well has been drilled and paid for.
2. Billing for hangers have been sent. \$150/month to 5 hanger owners.

ADOPTION OF 2016 PUBLIC HEALTH ADDITIONAL BUDGET:

**MOTION BY COMMISSIONER KEN ANDERSON TO ACCEPT THE RESOLUTION
FOR SUPPLEMENTAL BUDGET FOR THE DEPARTMENT OF PUBLIC
HEALTH, FOR THE “COMMUNITIES THAT CARE GRANT”.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

**LYN LAMBERT AND WENDI MAEZ, CO-ADMINISTRATORS – ADMINISTRATIVE
REPORT:**

1. Title III Firewise Community decision.

Two letters of support have been received in the support of the creation of a Firewise Community as presented by Daniel Johnson. The Town of Crestone has a special meeting scheduled for their review of the documents presented. Special meeting for a decision concerning Firewise Communities has been scheduled for Monday, September 26, 2016.

**MOTION BY COMMISSIONER KEN ANDERSON TO MOVE TOWARD
ACCEPTING THE TWO (2) PROPOSALS TO MOVE TOWARD
CONSOLIDATING THE TWO FIREWISE COMMUNITIES .**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER JASON ANDERSON TO AMEND THE MOTION
TO ADVERTISE FOR TITLE III FUNDING REQUESTS.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED.

2. Compensation Time/Holiday pay discussion.

Ms. Lambert provided a list of employees with over 60 hours of compensatory time.
Elvie Conley read a prepared statement to the Board.

**MOTION BY COMMISSIONER LOVATO TO ENTER INTO EXECUTIVE
SESSION AT 2:45 P.M., FOR PERSONNEL MATTERS CONCERNING**

EMPLOYEE'S COMPENSATORY TIME, UNDER C.R.S.24-6-402(4)(f)(1),

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER LOVATO TO RETURN TO REGULAR SESSION
AT 3:01 P.M.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER LOVATO TO PAY ROAD AND BRIDGE
EMPLOYEES COMPENSATORY TIME AS STATED IN THE JUNE 7,
2016 MOTION IN THE AMOUNT OF \$32,042.67. LOVATO WILL
ABSTAIN FROM THE VOTE.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 2

VOTES AGAINST: 0

ABSTAIN: 1

MOTION CARRIED

**MOTION BY COMMISSIONER LOVATO TO RESCIND HIS MOTION UNTIL A
VALID NUMBER IS PROVIDED BY SUPERVISORS.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER LOVATO TO RESCIND THE EARLIER
MOTION FOR PAYMENT OF COMPENSATORY AND HOLIDAY
TIME FOR ROAD & BRIDGE OF \$32,685.83.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER KEN ANDERSON TO PAY COMPENSATORY
AND HOLIDAY TIME FOR ROAD & BRIDGE EMPLOYEES IN THE
AMOUNT OF \$32,685.83.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 2

VOTES AGAINST: 0

ABSTAIN: 1

MOTION CARRIED

3. Marshall and Mary Ann Milam have requested to be placed on the July 5, 2016 BOCC agenda for discussion concerning the gate on their access off of County Road 10XX.

4. Thursday, June 16, 2016 Public Health Director Stringer went to Penrose to purchase the EPR trailer and the older pickup that she used from Road and Bridge broke down and needed to be towed to Canon City. Mr. Stringer had to have a way home from Penrose so she will be submitting a mileage voucher for mileage for her spouse to come Canon City to pick her up.
5. Review and sign Architectural Services contract for the Courthouse elevator grant.
6. A letter was received by each County Commissioner concerning property located on County Road U south of Saguache. The property has now been added to property tax rolls.

SALES/EXCISE TAX DISCUSSION WITH BIPARTISAN CITIZENS:

Richard Drake began the discussion as community members regarding the issue of a 1 cent sales tax to raise funds for construction of a County justice center, jail, sheriff's office, equipment and so forth. Mr. McClure suggested an advisory committee to monitor how funds are spent. It was noted that the BoCC is responsible for how county funds are spent. The committee will work on the wording of the question for the ballot for the 2016 General Election and will come back before the Board on July 5, 2016.

SECURED RURAL SCHOOLS:

**MOTION BY COMMISSIONER KEN ANDERSON TO PAY 83% MINIMUM OF
SRS FUNDS TO SCHOOLS.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

RETURN TO COMPENSATORY/HOLIDAY TIME FOR EMPLOYEES:

**MOTION BY COMMISSIONER LOVATO TO PAY NO MORE THAN \$3,665.38 FOR
DEPARTMENT OF SOCIAL SERVICES EMPLOYEES AND NO MORE THAN
\$32,685.83 TO THE ROAD & BRIDGE EMPLOYEES FOR COMPENSATORY
AND HOLIDAY TIME. FICA AND MEDICAL TO BE PAID OUT.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

ADJOURN: There being no further business:

MEETING ADJOURNED BY BOARD CHAIR, JASON ANDERSON AT 4:58 P.M,

RESPECTFULLY SUBMITTED:

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SECURED RURAL SCHOOLS:

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SRS FUNDS TO SCHOOLS.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

RETURN TO COMPENSATORY/HOLIDAY TIME FOR EMPLOYEES:

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HOLIDAY TIME. FICA AND MEDICAL TO BE PAID OUT.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3


VOTES AGAINST: 0

MOTION CARRIED

ADJOURN: There being no further business:

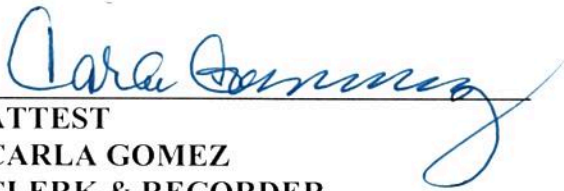
MEETING ADJOURNED BY BOARD CHAIR, JASON ANDERSON AT 4:58 P.M.,

RESPECTFULLY SUBMITTED:


CARLA GOMEZ, CLERK & RECORDER

DATE MINUTES APPROVED:




ATTEST
CARLA GOMEZ
CLERK & RECORDER


JASON ANDERSON, COMMISSIONER,
BOARD CHAIR


KEN ANDERSON, COMMISSIONER


TIM LOVATO, COMMISSIONER